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Machado Jr. *et al.* Appl. No. 09/641,394

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-6 are pending in the application, with claims 1, 4, and 5 being the independent claims. Claims 1 and 2 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections Under 35 U.S.C. § 101

The Office Action rejected claims 1-3 under 35 U.S.C. § 101 as being "directed to non-statutory subject matter." (Office Action at p. 2.)

Accordingly, Applicants have amended independent claim 1 to recite (emphasis added):

- A *computer-based* method for valuating natural gas futures and options contracts using weather-based metrics, comprising the steps of:
- (1) receiving, *via a graphical user interface*, an input from a user indicative of the number of monthly gas contracts desired for a period of time;
- (2) receiving, *from a first database stored in a memory*, historical weather information for at least one basket of cities during said period of time;
- (3) receiving, *from a second database stored in said memory*, future weather information for said basket of cities during said period of time;
- (4) receiving, from a third database stored in said memory, historical natural gas inventory information for said basket of cities during said period of time;
- (5) receiving, *from a fourth database stored in said memory*, historical gas futures contract price information for said period of time;
- (6) applying, at a server, a series of regression analyses to obtain a predicted baseline value for each of the monthly gas contracts within said period using said

received historical weather, future weather, historical natural gas inventory, and historical gas futures contract price data;

- (7) receiving, *from a data feed*, live exchange data which indicates the current price for each of the monthly gas contracts within said period of time;
- (8) applying, at said server, a series of recommendation rules to said baseline value, using said received live exchange data; and
- (9) providing, *via said graphical user interface*, said user with a recommendation for each of the monthly gas contracts within said period of time, wherein said recommendation reflects said user inputted desired number of contracts.

As amended, independent claim 1 more precisely recites structures of a computer system that performs the functions of the method. Claim 2 has been amended in a similar manner. Claims 2 and 3 depend directly from claim 1. Therefore, Applicants respectfully request that the Examiner reconsider and remove his rejections of claims 1-3 under 35 U.S.C. § 101.

Allowable Subject Matter

The Office Action states that "[c]laims 4-6 are allowable over the prior art record." (Office Action at p. 3.)

Outstanding IDS Submission

An Information Disclosure Statement (IDS) was timely submitted on September 23, 2003, but has not yet been considered. Applicants request consideration of the documents listed on the thirteen pages of Form PTO-1449 filed with this IDS. A copy of each of the submitted thirteen pages of Form PTO-1449 is included herewith for convenience.

Conclusion

All of the stated grounds of rejection have been properly accommodated.

Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Timothy A. Doyle

Attorney for Applicants Registration No. 51,262

Date: 28 DEC 04

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600



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INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO. 1481.0240000	APPLICATION NO. 09/641,394
APPLICANTS Machado Jr. et al.	
FILING DATE	GROUP

				U.S	. PATENT DOCUMENTS			
EXAMINER INITIAL			CUMENT MBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA1	3,80	08,410	04/1974	Schlesinger	235	156	
	AB1	4,0	15,366	04/1977	Hall, III	47	1	
	AC1	4,04	40,629	08/1977	Kelly	273	278	
. •	AD1	4,2	18,755	08/1980	Root	364	900	
	AE1	4,76	66,539	08/1988	Fox	364	401	
	AF1	4,78	84,150	11/1988	Voorhies et al.	128	664	
	AG1	5,06	63,506	11/1991	Brockwell et al.	364	402	
	AH1	5,12	28,861	07/1992	Kagami et al.	364	403	
	Al1	5,12	28,862	07/1992	Mueller	364	405	
	AJ1	5,13	30,925	07/1992	Janes et al.	364	420	
	AK1	5,14	40,523	08/1992	Frankel et al.	364	420	
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	AL1	01-	236396	09/1989	JP	G07G	1/14	
	AM1	01-2	259488	10/1989	JP	G07G	1/12	
	AN1	02-2	268396	11/1990	JP	G07G	1/14	
	AO1	02-2	299059	12/1990	JP	G06F	15/20	
	AP1	04-0	077896	03/1992	JP	G07G	1/12	
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	AR	1	Banham, R.		ek Relief in Computer Predict		. 14-16, 18-19	9, XP00208 22 69,
	AS	1			ir Weather Service Model Ou mitted (October 1983).	utput Statistics System i	Project Repoi	rt, United States
	AT	1	Brennan, P.	J., "Portfolio Mar aler's Digest, pp.	nagers Weather Global Risk N 20-22, 24, 54 and 56 (Octobe	Management Challenge er 1989).	," Wall Street	t Computer
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	AA2	5,16	8,445	12/1992	Kawashima et al.	364	403			
-	AB2	5,18	9,606	02/1993	Burns et al.	364	401			
	AC2	5,20	8,665	05/1993	McCalley et al.	358	86	<u> </u>		
	AD2		7,496	08/1993	Kagami <i>et al</i> .	364	401			
.	AE2		0,941	10/1993	McGregor et al.	340	825.65			
	AF2	5.25	3,165	10/1993	Leiseca et al.	364	407			
	AG2		3,865	02/1994	Johnson	395	161			
	AH2		5,064	03/1994	Malec et al.	364	401			
	Al2		5,069	03/1994	Hersey et al.	364	419.17			
	AJ2		9,355	05/1994	Lockwood	364	401	 		
	AK2	\neg	7,095	12/1994	Maeda et al.	364	401	-		
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	AL2	04-1	35271	05/1992	JP	G06F	15/21			
	AM2	04-3	53970	12/1992	JP .	G06F	15/24			
	AN2 05-189406 AO2 06-076161		89406	07/1993	JP	G06F	15/20			
			76161	03/1994	JP	G07G	1/06			
	AP2	06-149833		05/1994	JP	G06F	15/21			
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	AR	2		eather Service Is A 169 (August 1991)	A Boon To System Dispatchers," <i>Tr</i> .	ansmission & L	Distribution, I	ntertec, pp. 165-		
	AS	<u>2</u>	Demand Mod (August 1984	Demand Modeling & Forecasting System Product Description, Printed from DIALOG File No. 256, 1 page (August 1984 - Product Release Date).						
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	FILING DATE August 18, 2000	GROUP 3621

· <u>·</u>				U.	S. PATENT DOCUMENTS			
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	AA3	5,49	91,629	02/1996	Fox et al.	364	20	
•	AB3	5,52	21,813	05/1996	Fox et al.	364	401	
	AC3	5,79	96,932	08/1998	Fox et al.	395	161	
•	AD3	5,83	32,456	11/1998	Fox et al.	705	10	
	AE3	6,02	21,402	02/2000	Takriti	705	412	
	AF3	6,41	18,417	07/2002	Corby et al.	705	35	
	AG3	6,58	B4,447	06/2003	Fox et al.	705	10	
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	AR	<u>3</u>	Ehrenberg, Research,	A.S.C. <i>et al.,</i> "T Advertising Rese	he After-Effects of Price-Rela earch Foundation, Vol. 34, No	ted Consumer Promotio . 4, pp. 11-21 (July/Aug	ns", <i>Journal d</i> ust 1994).	of Advertising
	AS	3		<i>et al.</i> , "Modellin 251 (April 1992).	g Peak Electricity Demand", J	lournal of Forecasting, J	ohn Wiley &	Sons, Vol. 11, No
	AT	3	Gotschall, (Septembe	Mary G., "Bullish r/October 1998).	on weather," <i>Electric Perspe</i>	ctives, Washington, Vol	. 23, No. 5, p.	30, 8 pgs
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Machado Jr. et al.

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	AO4							Yes
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	AR	4	Hunter, R.,	"Forecast for W	Veather Derivatives: Hot Deriva ves.com/magazine/arrive/1998/0	tives Strategy " May 19	199, pp. 1-6, X 1p. 6, line 9	(P002133864, as).
	AS	<u>4</u>	Hurrell, M., '	"The Weather E	Business," <i>Intercity</i> , pp. 29, 31 a	and 32 (February 1991).	
	АТ	4	IMREX Dem	nand Forecastin ease Date).	ng System Product Description,	Printed from DIALOG	File No. 256,	1 page (1984 -
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	AS	<u>6</u>	Microsoft E	xcel User's Guid	ide, Microsoft Corporation, pp. 2	280-281, 596-601 and 7	′ 06-709 (1993	3).
	АТ	<u>6</u>	Mitchell, R. Performand	et al., "Where N :e," <i>Business W</i>	No Computer Has Gone Before: /eek, McGraw-Hill, pp. 80-84 an	: Massively Parallel Pro nd 88 (November 25, 19	ocessing Pror 991).	nises Unparallelec
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EXAMINER INITIAL DOCUMENT DATE COUNTRY CLASS SUB- TRANSLATION CLASS
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AM8
AN8 Y
AO8 Y
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AR 8 Studwell, A., "Weather Derivatives," 11th Conference on Applied Climatology, January 10-15, 1999, pp. 36-40, XP00089822, p. 36, col. 1, line 1-p. 40, col. 1, line 33.
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Turvey, C. G., "Weather Derivatives and Specific Event Risk,", August, 1999, pp. 1-11, XP002133865, as printed from http://agecon.lib.umn.edu/aaea99/sp99/tu02.pdf>, p. 2, line 1, p. 8, line 2.
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FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

ATTY. DOCKET NO. 1481.0240000	APPLICATION NO. 09/641,394
APPLICANTS Machado Jr. et al.	
FILING DATE	GROUP

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	AR	<u>9</u>	Turvey, Ca	lum, "Weather [Derivatives for Specific Even nomics Association, Vol. 23,	it Risks in Agricu	ulture," Re	view of Agrica Summer 200	ultural Economics,
	AS	9	Upbin, B., "	Betting against	God," <i>Forbes</i> , Vol. 162, No.	1, p. 108(1) (Ju	ly 6, 1998)).	
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	ATTY. DOCKET NO. APPLICATION NO. 1481.0240000 09/641,394			
FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	APPLICANTS Machado Jr. et al.			
	FILING DATE August 18, 2000	GROUP 3621		

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	AR	<u>10</u>	English-langu Page (Octobe	rage Abstract of Ja er 17, 1989 - Date	spanese Patent Publication No. 01-2 of publication of application).	59488, from <i>f</i>	nttp://www1.ip	odl.jpo.go.jp, 1
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	AR	11	English-langu Pa g e (March	age Abstract of Ja 11, 1992 - Date of	apanese Patent Publication No. 04-07 publication of application).	77896, from <i>h</i>	ttp://www1.ipo	dl.jpo.go.jp, 1
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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	APPLICANTS Machado Jr. et al.		
	FILING DATE August 18, 2000	GROUP 3621	

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·	AR	<u>12</u>	English-langu Page (July 30	age Abstract of Ja), 1993 - Date of p	panese Patent Publication No. 05-18 ublication of application).	19406, from <i>hi</i>	ttp://www1.ipo	dl.jpo.go.jp, 1
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	АТ	<u>12</u>	English-langu Page (May 3	age Abstract of Ja 1, 1994 - Date of p	panese Patent Publication No. 06-14 ublication of application).	9833, from <i>ht</i>	ttp://www1.ipo	dl.jpo.go.jp, 1
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